

United States District Court

WESTERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 01-CV-905

Midland Asphalt Corporation

v.

Derry American Corporation, et al

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this case is dismissed for failure to prosecute.

Date: September 15, 2005

RODNEY C. EARLY,
CLERK

By: s/Deborah M. Zeeb
Deputy Clerk